IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.2596 OF 2005

Dattatraya Pirgonda Patil ..Petitioner

Vs.

State of Maharashtra & Anrs....Respondents

...

Ms.Varsha Palav Advocate for Petitioner
Mr.V.B.Konde-Deshmukh A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : OCTOBER 24, 2005

P.C.

1. The petitioner has impugned the order dated 14.10.2005 passed by the learned J.M.F.C. Ichalkaranji whereby the complaint has been sent for investigation under Section 156(3) of Cr.P.C. The learned A.P.P. seeks time till 18.11.2005 to take instructions regarding the stage of investigation.

2. The learned advocate for the petitioner states that petitioner apprehends that he may be arrested

during the further investigation. In my view, the apprehension of the petitioner can be taken care of by passing the following order:

. "If the Investigating Agency is of the opinion that it is necessary to arrest the petitioner, it shall give 72 hours notice to the petitioner prior to his arrest."

3. Notice to respondent no.2 returnable on 18.11.2005.

4. In addition to Court’s notice, the petitioner to serve the respondent by Advocate’s notice either personally or through Courier/Speed Post/E-mail/Fax and file an affidavit of service before the returnable date, failing which the petition shall stand dismissed without further reference to the Court.

[V.K.TAHILRAMANI,J.]